

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/606,495	06/29/2000	Richard K. Ryan	505483.003	7482	
75	90 10/01/2002				
Penny R Slicer Stinson Mag & Fizzell P C 1201 Walnut Street Suite 2800 P O Box 419251 Kansas City, MO 64141-6251			EXAMINER		
			WEISBERGER, RICHARD C		
			ART UNIT	PAPER NUMBER	
			3624		
			DATE MAILED: 10/01/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.		Applicant(s)					
• • •		09/606,495		RYAN ET AL.	h				
Office Action Summary		Examiner		Art Unit					
		Richard C Weis	berger	3624					
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address								
Period for Reply									
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status									
1) 🗌	Responsive to communication(s) filed on								
2a) <u></u> □	This action is FINAL . 2b)⊠ Th	is action is non-fi	nal.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.									
<u> </u>	on of Claims								
•	4) Claim(s) 1-21 is/are pending in the application.								
	4a) Of the above claim(s) is/are withdrawn from consideration.								
· ·	Claim(s) is/are allowed.								
·	Claim(s) 1-21 is/are rejected.								
·	Claim(s) is/are objected to.	r alaction require	mont						
,	Claim(s) are subject to restriction and/or on Papers	i election require	ment.						
	- Γhe specification is objected to by the Examine	r.							
10) 🔲 -	Fhe drawing(s) filed on is/are: a)☐ accep	oted or b)□ object	ed to by the Exar	niner.					
	Applicant may not request that any objection to the	e drawing(s) be hel	d in abeyance. Se	ee 37 CFR 1.85(a).					
11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner.									
If approved, corrected drawings are required in reply to this Office action.									
12)☐ The oath or declaration is objected to by the Examiner.									
Priority under 35 U.S.C. §§ 119 and 120									
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).									
a) ☐ All b) ☐ Some * c) ☐ None of:									
1. Certified copies of the priority documents have been received.									
	2. Certified copies of the priority documents have been received in Application No								
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.									
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).									
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.									
Attachment(s)									
1) Notic 2) Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s)			(PTO-413) Paper No(s) Patent Application (PTO-					

Application/Control Number: 09/606,495

Art Unit: 3624

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-19 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter. The claimed methods comprise abstract ideas. Lacking any ties to a technological art, these ideas read on a sequence of mental steps, a judicially created exception to subject matter eligible for patent protection. See Diamond v. Diehr, 209 USPQ 17 (1981).

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claims 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the claims the term financial security product is vague and indefinite. In claim 21, the limitation "optional benefits" is unduly vague.

Application/Control Number: 09/606,495

Art Unit: 3624

Claim Rejections - 35 USC § 102

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dictionary of Finance and Investment Terms.
- 6. The prior art teaches that a dividend investment plan (the product) is characterized by automatic reinvestment of shareholder dividends, reduced brokerage fees, and discounted stock price.
- 7. It would have been obvious for one skilled in the art at the time to have structured the dividend investment plan by deducting the fee (management or option) associated with the plan from the declared dividend of the underlying equity as motivated by the need to reduce the accounts receivable turnover ratio.

Respectfully Submitted

Richard Weisberger

Business Methods Examiner

Patents of Banking and Finance

703 038 4408

Richard.Weisberger@uspto.gov